

is not a final answer to the problems raised by the collection and dissemination of criminal history information. It is enormously complex. It is difficult. It is a sensitive issue and problem. There are competing issues in this area. But this is a first step. I think it is a step which is responsible and one which can be implemented immediately.

I hope the amendment will be accepted.

Mr. MATHIAS. I thank the Senator. I think it is very useful to make clear the continuing interest of the Senate in the subject.

Mr. KENNEDY. Mr. President, I move to modify my amendment, to accept the McClellan amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and it is so modified.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time on both the amendment to the amendment which has been accepted and on the amendment of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified.

The amendment, as modified, was agreed to.

Mr. HRUSKA. Mr. President, I should like to make this comment with respect to the amendment which has just been agreed to. I support the amendment. It contains certain features of a bill, S. 2456, which was considered in the 92d Congress by the Committee on the Judiciary. The language in this amendment is not dispositive of the entire problem, but additional legislation will be forthcoming soon on that subject, and it will supplement and complement this measure.

AMENDMENT NO. 275

Mr. KENNEDY. Mr. President, I call up my amendment No. 275.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 37, line 8 immediately after "Federal Government" insert a comma, and the following: "not including the Central Intelligence Agency".

Mr. MATHIAS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Bernadette Fritschie be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the thrust of this amendment is to eliminate the possibility of the Central Intelligence Agency's relying upon the Law Enforcement Assistance Act and its provisions for in any way allowing them to be involved in the training of law enforcement personnel here in the United States.

The reasons for this amendment came about as a result of a newspaper story that appeared in the latter part of 1972 which indicated that the CIA had been involved in training law enforcement personnel.

On December 17, 1972, the New York Times reported that 14 New York policemen received training from the CIA in September in the handling of "large amounts of information." The Times quoted a CIA spokesman as acknowledging that "there have been a number of occasions when similar courtesies have been extended to police officers from different cities around the country."

The General Accounting Office, in investigating the allegations made in the news story, determined that the CIA had been involved in training "within the last 2 years less than 50 police officers from a total of about a dozen city and county police forces." The GAO found that instruction was given "in such techniques as record handling, clandestine photography, surveillance of individuals, and detection and identification of metal and explosive devices."

In response to an inquiry concerning these activities from a House committee chairman, the CIA's legislative counsel replied on January 29 of this year that authority for these activities could be found in the Omnibus Crime Act, in the LEA title. The CIA admitted that the National Security Act provided that "The Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions," but asserted that LEA legislation declared a sense of Congress that the Federal Government assist State and local governments in strengthening law enforcement and specified that LEAA was authorized to use services of other agencies of the Federal Government to carry out its function.

I ask unanimous consent that the letter from Mr. Maury to Congressman KOCH be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., January 29, 1973.

HON. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your letter to Mr. Helms of 28 December 1972, regarding a New York Times story describing some briefings which the Central Intelligence Agency has provided to the New York Police Department, and to your request during our telephone conversation on the same subject on 23 January 1973.

Regarding the first question in your letter, I do not have a precise figure but I can assure you that less than fifty police officers all told from a total of about a dozen city and county police forces have received some kind of Agency briefing within the past two years.

These briefings have covered a variety of subjects such as the procedures for the processing, analyzing, filing and retrieving information, security devices and procedures, and metal and explosives detection techniques.

These briefings have been provided at no cost to the recipients. Since they have been accomplished merely by making available, insofar as their other duties permit, qualified Agency experts and instructors the cost to the Agency is minimal.

All of these briefings have been conducted in response to the requests of the various recipients. The Agency intends to continue to respond to such requests on matters within its competence and authority, and to the extent possible without interfering with its primary mission.

Regarding the Agency's authority to conduct such briefings, the National Security Act of 1947 (P.L. 80-253, as amended) specifically provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions." We do not consider that the activities in question violate the letter or spirit of these restrictions. In our judgment, they are entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 42 U.S.C.A. 3701 et seq.). In enacting that law it was the declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to "... encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 U.S.C.A. 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its function (42 U.S.C.A. 3756).

The identities of the individual police forces which have attended these briefings have, by mutual agreement, been kept confidential and I would therefore appreciate your treating the information I gave you in our conversation regarding these identities accordingly.

I trust the foregoing information is responsive to your interests, and I will be glad to discuss the matter with you further if you so desire.

Sincerely,

JOHN M. MAURY,
Legislative Counsel.

Mr. KENNEDY. This amendment would make it clear that Congress does not approve of the CIA's involvement in domestic training activities and that the LEA statute will not provide authority for such activities.

I think the Law Enforcement Assistance Act should be the authority for providing the training and providing of information and support for training of police officials in this country. But I do not believe there is any room for the Central Intelligence Agency to be involved in this kind of activity. I think this would clarify it once and for all so that the CIA would not be involved in the training of any law enforcement people in this country. With this amendment we would make that our intention clear.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

I do not think that acting on this amendment would unduly reflect on the CIA and its basic activities in any way.

Under the law as written now, the LEAA has a right to call on any agency of Government for cooperation and assistance. I doubt they have been guilty of improprieties up to now, but in view of the situation I think it is very well that the CIA be restricted to its statutory function defined by the statute.

I have no objection to the amendment and I am prepared to accept it.

I yield back the remainder of my time, unless there is some objection.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I thank the manager of the bill, the Senator from

Arkansas, who is the chairman of the Criminal Laws Subcommittee and who has done such an outstanding job in this area.

AMENDMENT NO. 260

Mr. BURDICK. Mr. President, I call up amendment No. 260.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated, as follows:

On page 33, line 21, after the word "narcotic" insert the words "and alcoholism".

On page 33, line 25, delete the words "or drug abusers" and insert in lieu thereof a comma and the following: "drug abusers, alcoholics, or alcohol abusers".

The PRESIDING OFFICER. Who yields time?

Mr. BURDICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BURDICK. Mr. President, the Senate today is considering a very important legislative authorization, a continuation of the Law Enforcement Assistance Administration. This agency has provided funding for a number of innovative and successful projects in the correction of criminal offenders, a field in which I am vitally interested. I wish to commend the work of Senator McCLELLAN and Senator HRUSKA on this legislation.

I am pleased to note that the legislative language under consideration today, amendment No. 248, continues part E which directly provides funds for innovations in the field of corrections. One of the changes which would be made by this proposal would require correctional authorities to establish drug treatment programs as a condition for receipt of funds. I would propose a further amendment relating to a requirement for alcoholic treatment programs. I offer this for two reasons. First, there are far more alcoholics under correctional supervision of one kind or another today, and these people commit many millions of dollars of crime each year. I believe that it is necessary for the States to take into consideration the problems of alcoholism in planning for the future of correctional programs. In addition, there are a number of small penal and correctional institutions where it is difficult to justify expenditure for drug treatment programs alone, but which could readily offer combined drug and alcoholic treatment. These programs can and should exist side by side and share in resources.

Mr. McCLELLAN. Mr. President, I have no objection to the amendment.

Mr. HRUSKA. I have no objection to the amendment.

Mr. McCLELLAN. I yield back my time.

Mr. BURDICK. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 259

Mr. BURDICK. Mr. President, I call up my amendment No. 259.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 13, line 3, delete the period and insert in lieu thereof a colon and the following: "Provided, however, That the Administration may in its discretion waive one-half of such requirement for aggregate non-Federal funding until such time as the legislature of such State shall have next convened in regular session, or until January 1, 1975, whichever is earlier."

Mr. BURDICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BURDICK. Mr. President, the legislative proposal before us today, amendment No. 248, makes certain modifications in the requirements for cash contributions from the States toward the cost of local projects funded under LEAA. The proposal before us would decrease the State requirement in some cases, but would double it in certain other areas. In order to ease the transition which the States would have to make under this legislation, I urge the Senate to adopt the amendment I am now proposing. It would allow these new requirements for cash from the State treasuries to be waived until the State legislature has had an opportunity to meet. As all of you are no doubt aware, the legislature of many States are not likely to be in session when the legislation which we are considering today becomes effective. In order to assure orderly progress, I believe that it is necessary for the States to be given flexibility in meeting their obligations.

Mr. President, this merely permits the States, until their legislatures meet or until January 1, 1975, whichever is the earlier, to come under the funding of the present law.

Mr. McCLELLAN. Mr. President, this is a wise amendment, in view of the change in the Federal law, to give the States an opportunity to adjust to the change in the Federal law. I have no objection to it.

Mr. HRUSKA. Mr. President, I have no objection to it. I would approve of the amendment.

Mr. McCLELLAN. Mr. President, I yield back my time.

Mr. BURDICK. Mr. President, I ask unanimous consent that a letter from the North Dakota Combined Law Enforcement Council be made a part of my remarks at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA COMBINED
LAW ENFORCEMENT COUNCIL,
Bismarck, N. Dak., June 25, 1973.

HON. QUENTIN BURDICK,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BURDICK: Oliver Thomas of my staff informs me that Jim Meeker called the other day regarding the proposed LEAA legislation. I certainly appreciate Mr. Meeker's thoughtfulness and your continuing interest in the LEAA program. I would like to re-emphasize the point that Mr. Thomas made relative to construction grants. As I understand the proposed change in the federal law the matching formula for most grants will be changed from a 75-25 basis to a 90-10 basis. The state must then put up 50 percent of the local match which would, in actuality, amount to 5 percent of the total project costs for a regular program grant. The Law Enforcement Council certainly endorses this change and requests your en-

thusiastic support. However, the problem that I see in this bill relates to the effect that it will have on construction grants. The Law Enforcement Council over the past several years has set aside approximately 25 percent of its block grant monies for construction purposes. Construction, generally, entails the building of combined law enforcement centers. The matching ratio is 50-50. If I interpret the proposed legislation correctly it will be necessary for the state to contribute 50 percent of the local match or, in the case of construction grants, 25 percent of the total costs. When we presented our budget request for construction projects to the State Legislature we requested a buy-in which amounted to 12½ percent in state appropriated funds. If the legislation, as presently proposed, is enacted it will mean that we will be 12½ percent short in our state appropriation. Some solutions to this dilemma are 1) change the matching formula for construction to 75-25, 2) change the state's matching portion for construction to 25 percent of the local share, 3) delay enactment of the change until the State Legislature has an opportunity to consider the matter or 4) simply reduce the amount of construction grants available through the block grant program. The last alternative is by far the least desirable.

I would certainly appreciate your considering this problem and exerting all efforts possible to change the proposed legislation so that it will be possible to continue to fund construction projects here in North Dakota. I believe that option 3 is perhaps the most feasible solution at this time. The Law Enforcement Council does feel that construction of these law enforcement centers will result in the provision of better and more efficient law enforcement services for the citizens of our state.

Sincerely yours,

KENNETH J. DAWES,
Executive Director.

Mr. BURDICK. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAYH. Mr. President, I call up my amendment No. 287.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 287) is as follows:

On page 12, line 13, after the period, insert the following: "No State plan shall be approved as comprehensive, unless it includes a comprehensive program for the improvement of juvenile justice, as defined in part G, section 601(n), and provides that at least 20 per centum of Federal assistance granted to the State under parts C and E for the first fiscal year after enactment of this section be allocated to such comprehensive program for the improvement of juvenile justice, and that at least 30 per centum of Federal assistance granted to the State under parts C and E for any subsequent fiscal year be allocated to such comprehensive program for the improvement of juvenile justice."

On page 52, after line 23, insert the following:

"(n) 'A comprehensive program for the improvement of juvenile justice' means programs and services to prevent juvenile delin-